

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RAFAEL REID,

Petitioner,

vs.

3:17-cv-00532-HDM-VPC

ORDER

CCS BAKER, *et al.*,

Respondents.

This habeas matter under 28 U.S.C. § 2254 comes before the Court on petitioner's application (ECF No. 1) to proceed *in forma pauperis*.

The pauper application is incomplete. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2, a petitioner must attach both a properly executed financial certificate and an inmate account statement for the past six months. Petitioner attached neither.

The application therefore will be denied without prejudice. Petitioner either must pay the \$5.00 filing fee or file a properly completed pauper application within thirty (30) days of entry of this order.

IT THEREFORE IS ORDERED that petitioner's application (ECF No. 1) to proceed *in forma pauperis* is DENIED without prejudice.

IT FURTHER IS ORDERED that petitioner shall have thirty (30) days within which to either pay the \$5.00 filing fee or file a new and properly completed application to proceed *in forma pauperis* together with a properly executed financial certificate and an inmate account statement.

If petitioner fails to either pay the filing fee or submit a properly completed new pauper application with all required attachments within thirty (30) days, the action will be dismissed without further advance notice. This is the last advance notice that petitioner will receive prior to a dismissal of this action.¹

The Clerk of Court shall SEND petitioner two copies of an *in forma pauperis* application form for incarcerated persons along with one copy of the instructions for same.

DATED: October 4, 2017.

Howard D. McKibben

HOWARD D. MCKIBBEN
United States District Judge

¹The Court is denying the pauper application without also dismissing the action without prejudice because of potential statute of limitations ramifications based upon the procedural history in petitioner's case. However, if petitioner fails to timely either pay the filing fee or submit a properly completed pauper application with all required attachments, the action will be dismissed without further advance notice notwithstanding any potential adverse limitations consequences resulting from the dismissal.